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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	15 Cr. 95 (AJN)
- v. -	:	
DANTE PLUMMER,	:	
	:	
Defendant.	:	
-----X	:	

### PRELIMINARY STATEMENT

The defendant in this case, Dante Plummer, is scheduled to be sentenced on January 17, 2017. The Government respectfully submits this memorandum in advance of that sentencing and in response to Plummer’s sentencing memorandum, dated January 9, 2017. For the reasons that follow, a sentence within the United States Sentencing Guidelines (“U.S.S.G.” or “Guidelines”) range of 27 to 33 months’ imprisonment is necessary to meet the statutory sentencing factors. Plummer was an associate of a violent street gang—the Big Money Bosses (“BMB” or the “Gang”)—with which Plummer committed bank fraud and sold drugs, and in furtherance of which Plummer possessed a loaded gun. A sentence within the Guidelines range is necessary to send the message that committing any crime with a violent gang, including fraud crimes and the sale of marijuana—and particularly where loaded guns are involved—will be met harshly by the Court.

#### I. Procedural History

On April 27, 2016, the S2 Indictment in this case was unsealed, charging 63 members and associates of BMB with: (1) racketeering conspiracy, in violation of Title 18, United States

Code Section 1962; (2) narcotics conspiracy, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846; (3) narcotics distribution, in violation of Title 21, United States Code, Section 860; and/or (4) firearms discharge, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

On October 6, 2016, Plummer pled guilty to Count One of the S1 Indictment in this case, which charged him with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962. (PSR ¶ 7.)

## **II. Offense Conduct**

### **A. Background**

Beginning in December 2014, the New York City Police Department, the Drug Enforcement Administration, Homeland Security Investigations, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives conducted an investigation into two rival street gangs—BMB and the 2Fly YGz (“2Fly”)—that were operating in the Bronx, New York. The investigation revealed that since at least in or about 2007, up until in or about 2016, members of BMB and 2Fly were involved in a variety of racketeering acts, including murders, attempted murders, robberies, narcotics trafficking, bank fraud, and counterfeit currency offenses.

### **B. BMB**

The structure of BMB is described accurately in the PSR.

BMB was a subset of the “Young Bosses,” or “YBz” street gang, which operates throughout the New York City area. BMB—whose members also sometimes refer to themselves as the “Money Making Mafia” or “Triple M”—operated primarily on White Plains Road from 215th Street to 233rd Street in the Bronx, which is a long stretch of road under a subway train overpass that is hedged on each side by single-family homes and local commercial

establishments. BMB's narcotics trafficking activity was based principally in the vicinity of White Plains Road and 224th Street, an open-air drug spot that was referred to by gang members as the "Forts." BMB members sold drugs and down White Plains Road, however, including at a spot on 219th Street and a house on 230th Street. BMB members sold crack cocaine, marijuana, and prescription pills, including Percocet pills (i.e., oxycodone). BMB members kept firearms at each of these White Plains Road locations. BMB members also operated a drug spot on Boston Road and Eastchester Road in the Bronx, which they refer to as "B Road." BMB members who worked principally at the B Road spot typically refer to themselves as "Blamma." Generally speaking, BMB members were encouraged to continue openly "jacking," or proclaiming their membership in the gang, and many did so not only in person but also through social media websites such as Facebook.

In addition to its narcotics trafficking, BMB members and associates engaged in acts of violence, including shootings, stabbings, and gang assaults; these acts of violence protected the power of the gang, deterred attacks from rivals, and secured the gang's territories and drug spots. Moreover, members who engaged in a sufficient amount of violence could earn a leadership position, which was referred to as a "Big Suit." Members with "Big Suit" status were further subcategorized as, among other things, "Burberry Suits," "Louis Suits," "Gucci Suits," "Ferragamo Suits," and "Sean John Suits," in order to signify their relative rank in the gang. Among other things, a BMB member with "Big Suit" status had the authority to recruit other individuals into the gang. Two of the highest-ranking "Big Suits" in BMB were NICO BURRELL, a/k/a "Zico Nico," and DOUGLAS MCLARTY, a/k/a "Q Don." Both BURRELL and MCLARTY enhanced their status in the gang, in part, by committing attempted murders when they were each juveniles.

Members of BMB rose in status and rank within the gang not only by engaging in acts of violence, but also by maintaining their membership in the gang for a long period of time.

Members who were loyal associates for a substantial amount of time are referred to as “Day One Niggas,” meaning that they have been associating with the gang since its earliest days. For example, in a posting on Facebook on July 7, 2013, BMB member RASHEID BUTLER, a/k/a “Rah,” wrote: “i love my Day1 Niggas that was here since this #TripleM Shit 1ST STARTED.” Similarly, BMB leader NICO BURRELL, a/k/a “Zico Nico,” discusses the “Day One” concept in a rap video posted on YouTube in December 2015 and entitled “Live From Gutter.” In the video, BURRELL raps, “No new niggas, only day one / I know they ain’t tellin’ if that day come,” after which another rapper repeats in the background, “no snitchin.”

BMB has, more generally, developed a gang norm against “snitchin,” or cooperating with law enforcement. For example, a BMB associate posted on Facebook on July 20, 2011, “Like QuDOn Said ‘No Snitchin Policy’”; the reference to “QuDOn” is a reference to MCLARTY, who is one of BMB’s leaders and whose alias is “Q Don.” BMB’s norm against “snitchin” was fostered through YouTube videos and social media postings, including postings in which gang members are praised for their refusals to cooperate with law enforcement in particular instances. The norm is also enforced through disparagement of and threats of violence against BMB members who are suspected of having violated the norm by cooperating. During the course of this investigation, law enforcement learned of at least one instance in which a BMB member’s home was fired upon because he made a statement to law enforcement about individuals with whom he had committed a robbery. During another instance, the child of a suspected cooperator in this case was threatened and spat upon in the street. The norm against

cooperation facilitates the gang's criminal enterprise and is one of the reasons why members of BMB tend to commit their robberies and fraud offenses with other members of BMB.

Many of the specific acts of violence committed by BMB members related to its longstanding rivalry with 2Fly, which is based principally in the nearby Eastchester Gardens public housing development ("Eastchester Gardens"), but which also has members who live in the "Valley" area just east of BMB's "B Road" spot on Boston Road and Eastchester Road. BMB also has developed rivalries with other street gangs in the northern Bronx, including the "Young Shooter Gang," or "YSGz," which is based in the Edenwald public housing development ("Edenwald"), and the "Slut Gang," which is based in the Boston-Secor public housing development ("Boston-Secor"). In connection with these rivalries, BMB members developed a practice of "mobbing," meaning to gather in large groups and travel to the base of operations of a rival gang to engage in violence there. Members of rival gangs also sometimes went "mobbing" and attack or attempt to attack BMB at its bases of operations. Videos of "mobbing" incidents were posted on YouTube. The close proximity of the BMB, 2Fly, YSGz, and Slut Gang bases of operations—all of which are in or on the border of the New York City Police Department's 47th Precinct—contributed to the frequency of acts of violence.

In addition to acts of violence, members and associates of BMB promoted their gang and disparaged rival gang members by highlighting a distinguishing feature of BMB: it is not based in a housing development, as are its principal rivals 2Fly (in the Eastchester Gardens), YSGz (in Edenwald), and the Slut Gang (in Boston-Secor). As noted above, BMB principally operated along White Plains Road, a long stretch of road hedged on each side by single-family homes and local commercial establishments. The name of the gang ("Big Money Bosses") and the other allusions to wealth that the gang employs (for example, the brand-name clothing retailers used to

identify leadership positions) all serve to underscore this difference. In addition, members and associates of BMB have publicly mocked the living conditions of the housing developments in which many of their rivals live. For example, in a Facebook post on July 10, 2014, BMB member DONQUE TYRELL, a/k/a “Polo Rell,” posted a photograph of a young child laying on a bed and covered with cockroaches, with the caption “MEANWHILE IN EDENWALD.” In connection with the posting of this picture, TYRELL wrote, “Dirty ass project,” followed by six smiley-face “emoticons.” Similarly, in a Facebook posting on May 28, 2014, BMB member MASHUD YODA, a/k/a “Papa Ola,” writes, “No Lie ECG [*i.e.*, the Eastchester Gardens] The Dirtiest PROJECTS UPTOWN . . . . Like OBAMA Said CHANGE But I Guess He forgot Bout ECG !!”

Consistent with this feature of BMB, members and associates of the gang engaged not only in narcotics distribution and robberies to enrich and distinguish its members from rivals, but also engaged in a variety of frauds, including bank fraud and counterfeit currency offenses. To perpetrate some of these fraud offenses, BMB members and associates often employed their girlfriends and female acquaintances.

### **C. Plummer’s Role in the Gang**

Plummer was not a member of BMB, but he committed fraud and dealt drugs with members of the Gang and also carried a gun.

With respect to fraud, on May 12, 2015, Plummer and BMB member and co-defendant Tayquan Tucker, a/k/a “Chicken,” a/k/a “Chickenita,” were driving together in a car when they were pulled over by police in the vicinity of Bronxwood Avenue and 222nd Street because the vehicle was missing license plates. When police approached the vehicle, they saw Tucker, who was in the passenger seat, shoving something into his pants. The officers removed Tucker from

the vehicle for safety reasons, at which point Tucker exclaimed, in substance, “it’s just paper, it’s just paper, I swear.” Tucker removed several crumpled up checks from his pants and said they are “fake checks.” In total, police recovered eleven forged payroll checks drawn from the Chase bank account of a company called FS2 LLC, doing business as “Edible Arrangements,” worth a total of nearly \$6,000. Law enforcement agents interviewed the owner of the company, *i.e.*, the victim, who examined the checks and confirmed that they are forged and that his signature appeared to be copied. The victim also confirmed that he did not authorize the issuance of the checks to any of the payees listed on the forged checks.

On May 15, 2015, the NYPD executed a search warrant at Plummer’s residence on Bronxwood Avenue and 223rd Street, which is a block and a half east of the “Forts,” one of BMB’s principal drug spots. In Plummer’s bedroom, under the mattress of the bed on which the officers found Plummer sleeping, the officers found a loaded 9mm firearm. The officers also found approximately 44 forged checks made out to different individuals in Plummer’s dresser, and a large stack of blank pink and white bank paper for printing checks. Plummer was arrested and asked the arresting officers, “is this about the gun?”

In addition to his involvement in bank fraud, Plummer participated in BMB’s narcotics conspiracy. On November 4, 2013, Plummer posted a photograph on Facebook of his lap, on which seven separate containers of marijuana were resting. In a message associated with the photograph, Plummer writes, “WHO NEED THAT #SMOKE??? iGOT THAT #STANK \$\$\$\$.” On March 22, 2015, Plummer posted a message on Facebook in which he claimed to be a “#TrapGod,” which is an apparent reference to being a drug trafficker. On September 22, 2015, Plummer posted a message on Facebook saying, “I hustle From the #First To The #First,” an apparent reference to drug dealing from the first of one month to the first of the next month. On



December 13, 2013, Plummer posted a photograph of himself holding a substantial amount of money, with the associated message, “#BANDO #GETMONEyNiGGA #LONGLiVEBiGBANK.” The word “bando” is a phrase commonly used to refer to a trap house at which drugs are sold. Indeed, in one of the comments to the photograph, an individual using the account name “DaWo Binny” writes, “Ah miss da trapLife\$\$ Ode lol smh,” to which Plummer responds, “FACTz.”

Plummer was proud of his affiliation with BMB and well aware of its penchant for setting disputes with violence. He appears in a rap video entitled “BMB Pound Cake Freestyle,” posted on March 14, 2014, and is one of three rappers in the video, together with BMB members and co-defendants Anderson Ross, a/k/a “Boogy,” a/k/a “Boogy Boo,” a/k/a “Ray Allen Jr.,” and Tayquan Tucker, a/k/a “Chicken,” a/k/a “Chickenita.” The Government is sending a copy of this rap video to Chambers for Your Honor’s consideration. Plummer is the individual in the video called “Tae.”

Various other BMB members appear in the video, including BMB leader Douglas McLarty, a/k/a “Q-Don,” a/k/a “Q-Dizzy,” Martin Mitchell, a/k/a “Tyliet,” Brian Richards, a/k/a “B-Rich,” William Reid, a/k/a “Uptown Will,” Ivanjoel Aryeetey, a/k/a “Ijoe,” a/k/a “Ivan,” Quaysean Cannonier, a/k/a “Tic-Tic,” and Quayshawn Thomas, a/k/a “Quay” (who was later murdered). At one point in the video, ROSS raps, “Big Head died / beef never gon’ stop,” and Plummer is seen in the video standing next to ROSS and rapping the lyrics with him. The reference to “Big Head” is a reference to Antonio Lyles, a/k/a “Big Head,” a BMB member who had been murdered by YSGz seven months earlier; and the statement that “beef never gon’ stop” is an apparent reference to the ongoing feud between BMB and the YSGz, which escalated as a result of Lyles’s murder. Later in the video, Plummer himself raps, among other things, “I

walk the strip with the grip in my hands / ‘cause I ain’t gon’ the man down,” a reference to carrying a firearm for protection from rivals who might attack.

## **II. The Defendant’s Criminal History**

Plummer does not have any prior adult criminal convictions. In 2010, when he was 13, Plummer was adjudicated a juvenile delinquent and sentenced to probation arising from an arrest for grand larceny. (PSR ¶ 42.)

## **III. The PSR and Guidelines Calculation**

In keeping with the plea agreement between the parties, the PSR calculates the defendant’s total offense level as 18. In Criminal History Category I, Plummer’s sentencing Guidelines range is 27 to 33 months’ imprisonment. (PSR ¶ 96.)

### **3553(a) ARGUMENT**

For the reasons that follow, a sentence within the Guidelines range is necessary to meet the statutory sentencing factors, in particular to provide just punishment and afford adequate deterrence to criminal conduct.

While not a member of BMB himself, Plummer committed multiple crimes with the Gang, including fraud and drug dealing. Under the circumstances of this case, Plummer’s fraud and narcotics offenses are relatively less serious than that of many of his co-defendants, who were involved in acts of violence. However, fraud is a serious—and not a victimless—crime, and Plummer is responsible for a significant amount of fraud: over \$150,000, with over 10 victims. And Plummer was not merely a fraudster and a drug dealer. He had a loaded gun, which is an enormous public safety risk. It is particularly telling that Plummer carried an illegal gun in light of the gun violence that has plagued his own family. Despite having experienced himself the horrific effects of gun violence, he was not deterred from associating with—and

indeed, publicly espousing—a violent gang that perpetuates this cycle of violence and from carrying a gun himself. Under these circumstances, a Guidelines sentence is warranted in order to reflect the seriousness of the offense, provide just punishment, and provide adequate general deterrence to criminal conduct.

### **CONCLUSION**

For the foregoing reasons, the Government respectfully requests that the Court impose a sentence within the range of 27 to 33 months.

Dated: New York, New York  
January 12, 2017

Respectfully submitted,

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